

6-16-05

1615 ERW



Attorney Docket No. 3477-92

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Underhill et al.

Confirmation No.: 6862

Serial No.: 09/856,324

Group Art Unit: 1615

Filed: August 23, 2001

Examiner: C.A. Azpuru

For: COMPOSITION AND USE OF RAR ANTAGONISTS

FOR PROMOTING CHONDROGENESIS

Date: June 15, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Claims 35–65 are pending in this application. In the outstanding Restriction Requirement dated May 23, 2005, claims 35–65 have been restricted into two groups. In response to the Restriction Requirement, Applicants elect the claims of Group II (claims 43-65) with traverse. The election with traverse is on the basis that the claims have already been fully searched and examined; therefore it would not present an undue burden to continue to examine claims 35-65 concurrently, and it is unreasonably burdensome to the Applicants to restrict the claims at this point. Further, the RAR antagonist provides a common unifying feature among the claims.

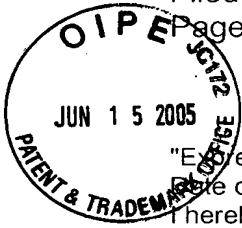
Applicants further elect the first species listed in the Restriction Requirement (a method of inducing chondrogenesis; claims 43-50 and 59). This election of species is made with the understanding that upon the finding of an allowable species, examination will continue with the non-elected species until all species have been examined or a non-allowable species is identified.

This application is in condition for substantive examination, which action is respectfully requested.

Respectfully submitted,

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